

UNITED STATES DISTRICT COURT

for the

Northern District of New York

UNITED STATES OF AMERICA)

v.)

JHADER AUGUSTO URIBE-TOBAR)

Case No. 8:23-MJ-761 (GLF)

Defendant)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date(s) of December 11, 2023 in the county of Clinton in the Northern District of New York the defendant violated:

*Code Section**Offense Description*

Conspiracy to commit alien smuggling in violation of Title 8 U.S.C. §§ 1324(a)(1)(A)(i), (a)(1)(A)(v)(I), (a)(1)(B)(i), (a)(1)(B)(iv).

The defendant, knowing that a person is an alien, namely Ana Karen Vasquez-Flores, did conspire to bring or attempt to bring to the United States, in any manner whatsoever, such person at a place other than a designated port of entry or place other than as designated by the Secretary of Homeland Security, regardless of whether such alien has received prior authorization to come to, enter, or reside in the United States and regardless of any future official action which may be taken with respect to such alien. Such violation was committed for commercial advantage and private financial gain and resulted in the death of Ana Karen Vasquez-Flores.

Alien smuggling in violation of Title 8 U.S.C. §§ 1324(a)(1)(A)(i), (a)(1)(B)(i), (a)(1)(B)(iv).

The defendant did knowingly bring to the United States an alien, namely Ana Karen Vasquez-Flores, knowing that said person was an alien, at a place other than as designated by the Secretary of Homeland Security, in furtherance of such violation of law. That violation was committed for commercial advantage and private financial gain and resulted in the death of Ana Karen Vasquez-Flores.

Alien smuggling in violation of Title 8 U.S.C. § 1324(a)(2)(B)(ii).

The defendant, knowingly and in reckless disregard of that fact that an alien, namely, Ana Karen Vasquez-Flores, had not received prior authorization to come to, enter, and reside in the United States, did bring to the United States in any manner whatsoever, said alien for the purpose of commercial advantage and private financial gain, in furtherance of such violation of law.

United States of America v. JHADER AUGUSTO URIBE-TOBAR

This criminal complaint is based on these facts:

☒ Continued on the attached sheet.

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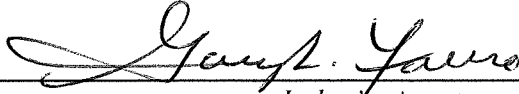
Complainant's signature

Trevor Kinblom, Border Patrol Agent (Intelligence)

Printed name and title

Attested to by the affiant in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.

Date: December 21, 2023


Judge's signature

City and State: Plattsburgh, NY

Hon. Gary L. Favro, U.S. Magistrate Judge

Printed name and title

Overview

1. On December 14, 2023, law enforcement found Ana Vasquez-Flores deceased in the Northern District of New York. Two days earlier, her husband, Miguel Mojarro-Magana, encountered United States Border Patrol (USBP) Agents and informed them that he was looking for Vasquez-Flores and that she had illegally entered the United States on December 11, 2023. Law enforcement immediately began searching for Vasquez-Flores. Mojarro-Magana voluntarily provided USBP agents with his communications with a smuggler, later identified as Jhader Augusto URIBE-Tobar, to arrange Vasquez-Flores' entry from Canada into the United States. He also consented to a download of the data from his cellphone. The communications, further described below, along with records from Canada, and surveillance video, show that Mojarro-Magana paid URIBE-Tobar to bring, in any manner whatsoever, Vasquez-Flores from Canada into the United States. These facts provide probable cause that the defendant committed conspiracy to commit alien smuggling and alien smuggling for private financial gain, both resulting in death, in violation of 8 U.S.C. §§ 1324(a)(1)(A)(i), (a)(1)(A)(v)(I), (a)(1)(B)(i), (a)(1)(B)(iv); Title 8 U.S.C. §§ 1324(a)(1)(A)(i), (a)(1)(B)(i), (a)(1)(B)(iv); and Title 8 U.S.C. § 1324(a)(2)(B)(ii) (the "TARGET OFFENSES").

URIBE-Tobar is the User of the 0200 Phone

2. On September 1, 2023, RCMP encountered URIBE-Tobar on Mnt Glass Road in Quebec, Canada. Mnt Glass Road is approximately 0.9 miles to the international boundary between the United States and Canada. URIBE-Tobar was driving a red GMC Terrain ("the GMC") with Quebec license plate 22JAGX.

3. URIBE-Tobar had four passengers, all Mexican nationals, identified as LARA-Zamudio, Florencio; RAMON-Romero, Christian de Jesus; CARMONA-Tiburcio, Isidro; and VALERIO-Prieto, Pedro Luis. URIBE-Tobar and the four Mexican nationals were released. On September 2, 2023, between 12:42 a.m. and 1:30 a.m., USBP encountered the same four Mexican nationals when they unlawfully entered the Northern District of New York from Canada.

4. Records from the Societe de L'assurance Automobile du Quebec show that the GMC is registered to URIBE-Tobar. In addition, his records show that he used telephone number 579-348-0200 ("the 0200 Phone") and his address in Montreal when he registered the GMC.

URIBE-Tobar Advertises Smuggling on TikTok

5. Mojarro-Magana contacted TikTok user “Jh” after he saw on the handle “@jamie.garcia895” that “Jh” was advertising crossings into the United States from Canada. Screenshots that Mojarro-Magana showed USBP include instructions to contact the 0200 Phone known to be used by URIBE-Tobar.

6. On December 7, 2023, Mojarro-Magana and TikTok user jamie.garcia895 aka “Jh” exchanged the following direct messages,¹ among others, in which “Jh” provided Mojarro-Magana with URIBE-Tobar’s 0200 Phone number as contact information.

Time	Sender	Message Content
10:44 AM	Mojarro-Magana	Info
12:32 PM	jamie.garcia895	It costs \$2500 American, it is worked through Montreal and they are left in the City of Plattsburgh, NY.
12:48 PM	Mojarro-Magana	How much do they walk bro
12:48 PM	Mojarro-Magana	And is it safe?
12:49 PM	jamie.garcia895	2 hours and half. 3 hours friend depends how you walk.
12:49 PM	Mojarro-Magana	Is it with a guide or with GPS
12:49 PM	jamie.garcia895	Well, look, truth is, the only certain thing in life is death, but we are effective.
12:50 PM	Mojarro-Magana	Yes that is
12:50 PM	jamie.garcia895	We do not use a guide, friend, we work in another way.
12:55 PM	jamie.garcia895	You have WhatsApp number sir
12:56 PM	Mojarro-Magana	Yes Yes I have
12:58 PM	jamie.garcia895	You don’t get it friend
12:58 PM	jamie.garcia895	579-348-0200

URIBE-Tobar Smuggles Vasquez-Flores into the United States

7. On December 11, 2023, the day Vasquez-Flores entered the United States, Mojarro-Magana communicated with “Jh” via WhatsApp on URIBE-Tobar’s 0200 Phone number. They exchanged the following messages, among others:

Time	Sender	Message Content
1:16 PM	Jh	[Photo of bank account routing number and checking account number ending in “2962”]
1:16 PM	Jh	“Deleted by the sender”
1:16 PM	Jh	???
1:20 PM	Mojarro-Magana	Okay with what you sent to me; I’ll just hand it over to there for them to copy right?

¹ All text and audio messages have been translated from Spanish to English by a USBP agent.

Time	Sender	Message Content
1:24 PM	Mojarro-Magana	Hey brother, a question everywhere they ask me, what it is for and who you are for. In case they ask me at the bank, you see that the bank is a little more delicate. If they ask me who it is for well, comes the name and they ask what it is for what do I tell them?
1:28 PM	Jh	"Deleted by the sender"
1:28 PM	Jh	"Deleted by the sender"
1:29 PM	Mojarro-Magana	Give me her written name, no, because her name doesn't show, the only thing that shows is current account routing number and account number, her name, in case I need it, please.
1:29 PM	Mojarro-Magana	I am here in front of it already, it's really cold.
1:29 PM	Jh	Aura maria Vallejo tobar
1:31 PM	Mojarro-Magana	Hey, they tell me that I have to go to the corner to get a Western Union [money] Order and then come back here with that.
1:32 PM	Jh	"Deleted by the sender"
1:32 PM	Mojarro-Magana	Money order he told me and to return to the bank. I'm going there around the corner so yes, it's correct like that.
1:33 PM	Jh	"Deleted by the sender"

8. Mojarro-Magana was also exchanging messages via WhatsApp with Vasquez-Flores during this time. At 12:40 p.m., Mojarro-Magana received a message from Vasquez-Flores' phone that contained a picture that depicts a vehicle with Quebec license plate 22JAGX, which is same license plate of URIBE-Tobar's GMC.

9. RCMP Constable Samuel Metivier reviewed surveillance footage voluntarily provided to RCMP by the Esso gas station located at 105 Chemin Pleasant Valley South, St. Bernard-de-Lacolle ("the Esso"), just off exit 6 of Highway 15 and approximately 6 kilometers north of the international border. RCMP Constable Metivier reviewed URIBE-Tobar's driver's license picture and conducted surveillance of URIBE-Tobar on December 21, 2023. Based on his review of the photograph and physical surveillance, RCMP Constable Metivier will testify that the man in the surveillance video is URIBE-Tobar.

10. Your affiant obtained a picture of Vasquez-Flores from Mojarro-Magana's phone. In that photograph, Vasquez-Flores is wearing a black shirt with a white Calvin Klein logo. Your affiant sent this photograph to RMCP Constable Metivier to compare to the woman in the surveillance video. RCMP Constable Metivier confirmed that the woman in the surveillance video was wearing a black shirt with a white Calvin Klein logo and was the same woman in the

photograph provided. When Vasquez-Flores' body was recovered, she was wearing this black shirt with a white Calvin Klein logo. RCMP Constable Metivier will testify that the woman in the photograph is the same woman shown on the surveillance footage and is Vasquez-Flores.

11. The surveillance video shows the GMC arrive at the Esso at approximately 1:34 p.m. URIBE-Tobar, an unidentified woman, a child (identified through surveillance on December 21, 2023 as URIBE-Tobar's daughter), and Vasquez-Flores get out of the vehicle.

12. The unknown woman enters the Esso first. Then URIBE-Tobar and his daughter enter with Vasquez-Flores at 1:35 p.m. Vasquez-Flores waits outside the bathroom for the unidentified woman to come out. URIBE-Tobar and his daughter buy chips and pay in cash. They exit the Esso a few moments later. When the unidentified woman exits the bathroom, Vasquez-Flores enters it and then exits the Esso a few moments later. At 1:38 p.m., URIBE-Tobar, the unidentified woman, and his daughter enter the Esso again and buy more items. URIBE-Tobar and the unidentified woman share ice cream, leading to the conclusion that she is likely his wife or girlfriend.

13. All three exit the Esso at 1:40 p.m. However, they do not leave the Esso's parking lot until 2:38 p.m. when the GMC is seen driving away and then traveling south on Highway 15 toward the international border.

14. At 2:35 p.m., Mojarro-Magana sent "Jh" a photo of a JP Morgan Chase deposit receipt from the Junction Blvd, Branch 000076 for a total of \$2,500 that was deposited into a checking account ending in 2962. That is three minutes before the GMC left the gas station and traveled toward the international border.

15. Mojarro-Magana communicated with "Jh" while Vasquez-Flores was walking through the Northern District of New York. "Jh" also communicated directly with Vasquez-Flores during the smuggling event as evidenced by screenshots of their communications that he sent to Mojarro-Magana. For example, Mojarro-Magana and "Jh" exchanged the following messages:

Time	Sender	Message Content
6:21 PM	Jh	Friend we are
6:21 PM	Jh	At the river crossing
6:22 PM	Majarro-Magana	Have you already picked her up?
6:22 PM	Jh	She is crossing friend
6:22 PM	Jh	Silence
6:23 PM	Majarro-Magana	I'm very nervous
7:06 PM	Jh	Bro, hello, I think she got wet or turned off her cell phone. Bro, maybe I told her to hold it while she was crossing.
7:06 PM	Jh	[Screenshot of conversation with Vasquez-Flores]

16. The screenshot that "Jh" sent to Mojarro-Magana that depicts the conversation between "Jh" and Vasquez-Flores shows the following exchange:

Time	Sender	Message Content
6:15 PM	Jh	Get off further ahead
6:15 PM	Vasquez-Flores	More
6:16 PM	Jh	Because there are also low marks [Real time location Karen]
6:16 PM	Jh	At your right hand side
6:16 PM	Jh	There is a wall that slows down the river
6:16 PM	Jh	There is [Real time location Karen]
6:16 PM	Vasquez-Flores	Okay
6:17 PM	Jh	Come on
6:17 PM	Jh	Come on
6:17 PM	Jh	Karen

17. Based on my training, experience, and knowledge of the investigation, in this exchange "Jh" directed Vasquez-Flores on where to go and how to cross the river. The last message that said, "Karen" showed that it was sent at 6:17 PM and it shows that it was never delivered; it is suspected this is when she was swept away by the river.

18. The messages between Mojarro-Magana and "Jh" continued throughout the night of December 11, 2023, including:

Time	Sender	Message Content
7:14 PM	Mojarro-Magana	Are your people waiting for her there?
7:15 PM	Jh	They are activated friend
7:16 PM	Mojarro-Magana	Thanks
7:31 PM	Mojarro-Magana	And you can't search
7:32 PM	Jh	I already sent them a pin to see if they see her, I told them what happened and that she is pregnant.

Vasquez-Flores' Death

19. On December 12, 2023, a Border Patrol Agent assigned to the Champlain, New York Border Patrol Station encountered Mojarro-Magana at the McDonald's restaurant located in Champlain, New York. Mojarro-Magana told the agent that he was looking for an individual who he identified as his pregnant wife, Vasquez-Flores. Mojarro-Magana stated Vasquez-Flores had entered the United States illegally on December 11, 2013, and he had not heard from her after she messaged him that her phone was about to run out of battery. Mojarro-Magana reported that her last known location was at the edge of the Great Chazy River, south of the intersection of Perry Mills Road and Missile Base Road in Champlain, New York. Mojarro-Magana showed agents a screenshot of Vasquez-Flores' location she had shared with him before her phone ran out of battery. Mojarro-Magana stated that the smuggler advised his wife to walk across the river and that it was "wadable."

20. Multiple law enforcement agencies immediately began to search for Vasquez-Flores. Officers found footprints in the snow in the area that Mojarro-Magana showed the BP agent. The footprints led to the river and appeared to lead into it. A search for Vasquez-Flores was immediately undertaken by law enforcement. Footprints were found in the snow in the vicinity of Vasquez-Flores's last known location. The footprints led down to the river and appeared to lead right into the river.

21. On December 14, 2023, Vasquez-Flores's body was discovered in the Great Chazy River in the Village of Champlain, New York, and was turned over to the Clinton County New York Coroner's Office.

Interviews of Mojarro-Magana

22. During the investigation, Mojarro-Magana voluntarily spoke with Border Patrol Agents and consented to a forensic download of his cellphone which produced the aforementioned communications and others. During the interviews, Mojarro-Magana explained, in sum, that he found the smuggler on TikTok; paid the smuggler \$2,500 to smuggle Vasquez-Flores into the United States; and communicated with the smuggler throughout her travel and after he had not heard from her.

Conclusion

23. Based on the foregoing, there is probable cause to believe that URIBE-Tobar, the registered owner of the GMC and the user of the 0200 Phone, committed the TARGET OFFENSES resulting in the death of Ana Karen Vasquez-Flores.

Respectfully submitted,

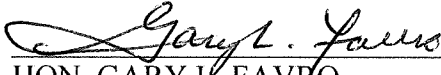
TREVOR C KINBLOM

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Date: 2023.12.21 16:58:54 -0500

Trevor Kinblom (signature)
Border Patrol Agent (Intelligence)
United States Border Patrol

I, the Honorable Gary L. Favro, United States Magistrate Judge, hereby acknowledge that this affidavit was attested to by the affiant by telephone on December 21, 2023 in accordance with Rule 41 of the Federal Rules of Criminal Procedure.

Subscribed and sworn to before me
on December 21, 2023:



HON. GARY L. FAVRO
UNITED STATES MAGISTRATE JUDGE